

IC 16-41-37

Chapter 37. Clean Indoor Air Law

IC 16-41-37-1

Agency

Sec. 1. As used in this chapter, "agency" means a board, a commission, a department, an agency, an authority, or other entity exercising a part of the executive, administrative, legislative, or judicial power of the state or local government.

As added by P.L.2-1993, SEC.24.

IC 16-41-37-2

Public building

Sec. 2. As used in this chapter, "public building" means an enclosed structure or the part of an enclosed structure that is one (1) of the following:

- (1) Occupied by an agency of state or local government.
- (2) Used as a classroom building or a dining area at a state educational institution (as defined in IC 20-12-0.5-1).
- (3) Used as a public school (as defined in IC 20-18-2-15).
- (4) Licensed as a health facility under IC 16-21 or IC 16-28.
- (5) Used as a station for paid firefighters.
- (6) Used as a station for paid police officers.
- (7) Licensed as a child care center or child care home or registered as a child care ministry under IC 12-17.2.
- (8) Licensed as a hospital under IC 16-21 or a county hospital subject to IC 16-22.
- (9) Used as a provider's office.

As added by P.L.2-1993, SEC.24. Amended by P.L.110-1997, SEC.3; P.L.20-1998, SEC.2; P.L.1-2005, SEC.148.

IC 16-41-37-2.3

School bus

Sec. 2.3. As used in this chapter, "school bus" means a motor vehicle that is:

- (1) designed and constructed for the accommodation of at least ten (10) passengers;
- (2) owned or operated by a public or governmental agency, or privately owned and operated for compensation; and
- (3) used for the transportation of school children to and from the following:
 - (A) School.
 - (B) School athletic games or contests.
 - (C) Other school functions.

As added by P.L.252-2003, SEC.9.

IC 16-41-37-2.7

School week

Sec. 2.7. As used in this chapter, "school week" means a normal Monday through Friday week that contains three (3) or more days

that each contain more than four (4) hours of classroom instruction.
As added by P.L.252-2003, SEC.10.

IC 16-41-37-3

Smoking

Sec. 3. As used in this chapter, "smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment, or the inhalation or exhalation of smoke from any lighted smoking equipment.

As added by P.L.2-1993, SEC.24.

IC 16-41-37-3.1

Retail area

Sec. 3.1. As used in this chapter, "retail area" means the sales area of a grocery store or drug store. The term does not include an area of a grocery store or drug store that is used for:

- (1) the service of food; or
- (2) an employee lounge or a break room.

As added by P.L.256-1996, SEC.5.

IC 16-41-37-4

Locations where smoking prohibited; infractions following prior violations

Sec. 4. A person who smokes:

- (1) in a public building, except in an area designated as a smoking area under section 5 of this chapter;
- (2) in the retail area of a grocery store or drug store that is designated as a nonsmoking area by the store's proprietor;
- (3) in the dining area of a restaurant that is designated and posted as the restaurant's nonsmoking area by the restaurant's proprietor; or
- (4) in a school bus during a school week or while the school bus is being used for a purpose described in section 2.3(3) of this chapter;

commits a Class B infraction. However, the violation is a Class A infraction if the person has at least three (3) previous unrelated judgments for violating this section that are accrued within the twelve (12) months immediately preceding the violation.

As added by P.L.2-1993, SEC.24. Amended by P.L.256-1996, SEC.6; P.L.20-1998, SEC.3; P.L.252-2003, SEC.11.

IC 16-41-37-5

Designation of smoking and nonsmoking areas

Sec. 5. (a) The official in charge of a public building shall designate a nonsmoking area and may designate a smoking area in the building.

(b) When smoking and nonsmoking areas are designated, the official in charge of a public building may take reasonably necessary measures to accommodate both smokers and nonsmokers.

(c) If a public building consists of a single room, any part or all of

the room may be reserved and posted as a nonsmoking area.
As added by P.L.2-1993, SEC.24.

IC 16-41-37-6

Posting of signs; requests to stop smoking; removal of smokers

Sec. 6. (a) The official in charge of a public building shall do the following:

- (1) Post conspicuous signs that read "Smoking Is Prohibited By State Law Except In Designated Smoking Areas" or other similar language.
- (2) Request persons who are smoking in violation of section 4 of this chapter to refrain from smoking.
- (3) Remove a person who is smoking in violation of section 4 of this chapter and fails to refrain from smoking after being requested to do so.

(b) The proprietor of a restaurant shall, under sections 4 and 5 of this chapter, post conspicuous signs at each entrance to the restaurant, informing the public of the establishment's smoking policy.

As added by P.L.2-1993, SEC.24. Amended by P.L.256-1996, SEC.7.

IC 16-41-37-7

Rules

Sec. 7. The state department may adopt rules under IC 4-22-2 to restrict or prohibit smoking in public buildings where the close proximity of workers causes smoking to affect the health and comfort of nonsmoking employees.

As added by P.L.2-1993, SEC.24.

IC 16-41-37-8

Waiver of requirements

Sec. 8. The state department may waive the requirements of section 5(b), 5(c), or 6 of this chapter if the state department determines that:

- (1) there are compelling reasons to do so; and
- (2) the waiver will not significantly affect the health and comfort of nonsmokers.

As added by P.L.2-1993, SEC.24.

IC 16-41-37-9

Local ordinances

Sec. 9. Notwithstanding IC 16-41-39, this chapter does not prohibit a county, city, town, or other governmental unit from adopting an ordinance more restrictive than this chapter.

As added by P.L.2-1993, SEC.24. Amended by P.L.256-1996, SEC.8.